

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Shimek et al.)
) Group Art Unit: 1794
)
Serial Number 10/620,038) Examiner: Bekker, Kelly Jo
)
Filed July 15, 2003) Atty. Docket: 6126US

For: Soft Dried Marshmallow and Method of Preparation

NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated January 12, 2009 rejecting the following claims: 1, 3-27, 29-39 and 81

The fee for this Notice of Appeal is: \$540.00

If one of the boxes below has been checked, then this paper also constitutes a Petition for an Extension of Time under 37 C.F.R. 1.136(a) to reply to the rejection:

Extension of time requested for:

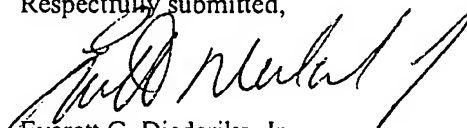
<input checked="" type="checkbox"/>	1 Month (37 CFR 1.17(a) (1))	<u>\$130.00</u>
<input type="checkbox"/>	2 Months (37 CFR 1.17(a)(2))	\$
<input type="checkbox"/>	3 Months (37 CFR 1.17 (a)(3))	\$
<input type="checkbox"/>	4 Months (if available) (37 CFR 1.17(a)(4))	\$

The sum of the fee for the Notice of Appeal
and the fee for any extension of time is \$670.00

☐ Applicant is a small entity under 37 CFR 1.9 and 1.27. Therefore,
the fee shown above is reduced by half, and the resulting fee is: \$

- ☐ A check in the amount of the fee is enclosed.
☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.
☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 07-0900.

Respectfully submitted,



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Attorney for Applicant
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Date: April 27, 2009